

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

338D0758

SENATE BILL NO. 202

Introduced by: Senators Paisley, Munson (David), and Valandra and Representatives Lucas, Koetzle, Kooistra, McIntyre, and Roe

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to conciliation of labor
2 disputes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 60-10-2 be amended to read as follows:

5 60-10-2. If its efforts as conciliator prove unsuccessful, the Department of Labor shall , if
6 requested by either party, ~~impartially investigate the matters in difference between the parties.~~
7 ~~The request to the department shall be mailed within twenty days after the conclusion of the~~
8 ~~conciliation procedure provided for in § 60-10-1. The department shall give each party ample~~
9 ~~opportunity for presentation of the facts and~~ immediately require each party to present their
10 rationale on the remaining issues in dispute. The department shall make a report of the issues
11 involved and a recommendation for settlement of ~~the controversy~~ each unresolved issue,
12 including its rationale for any recommendation. The department shall furnish, within twenty days,
13 a copy of its recommendation to each of the parties and to any local newspaper for publication
14 for the information of the public.

15 Section 2. That § 60-10-3 be repealed.

16 ~~60-10-3. The secretary of labor shall have the right, if he so desires, or if requested by either~~

1 ~~party, to call in two capable citizens not directly connected with the dispute, one to be named~~
2 ~~by each party, to assist in the investigation and advise with him as to his recommendations.~~

3 Section 3. That § 3-18-8.1 be amended to read as follows:

4 3-18-8.1. In case of impasse or failure to reach an agreement in negotiations conducted under
5 the provisions of this chapter, either party may request the Department of Labor to intervene
6 under the provisions of §§ 60-10-1 ~~to 60-10-3, inclusive~~ and 60-10-2. Such request shall be
7 mailed within ten days after a written statement is delivered to the designated representative for
8 the other party declaring an impasse. Nothing in this section prohibits the parties to an impasse
9 from adopting any other procedure to facilitate a settlement that is mutually agreeable.

10 Section 4. That § 60-9A-10 be amended to read as follows:

11 60-9A-10. In case of a labor dispute or grievance, including ~~but not limited to~~ an impasse or
12 failure to reach an agreement in negotiations, either party may request the department to
13 intervene under the provisions of §§ 60-10-1 ~~to 60-10-3, inclusive~~ and 60-10-2. Nothing in this
14 section ~~shall prohibit~~ prohibits the parties to such an impasse or dispute from adopting any other
15 procedure to facilitate a settlement that may be mutually agreeable.